

INDICTMENTS AGAINST ALLEGED GAMBLERS DISMISSED AT REQUEST OF DISTRICT ATTORNEY SANDERS

Indictments charging gambling against H. H. Miller, Sam Jelic and W. D. Morris were dismissed this morning in the district court by Judge Averill upon motion of District Attorney Sanders. This action brought to a close the cases which have been before the district court for the past three months. The verdict of an acquittal, as rendered by a jury that heard the case of conducting a gambling game against Mike Keslj, resulted in the action of the district attorney in asking for a dismissal of the remaining indictments.

Judge Sanders declared that if a jury acquitted the principal defendant, who was charged with conducting the gambling game, it would be impossible to secure a conviction in the case of the remaining defendants who were charged with playing in the game. The ruling rendered by Judge Averill this morning touches upon the acquittal of Keslj and also upon the lack of corroborative testimony on the part of the informant. The law relating to this point is somewhat ambiguous and the recommendation is made by the court that the legislature be more specific, or else alter the law to prevent confusion.

The three defendants were at liberty under bonds pending the hearing of their cases and following the ruling of the court the order was made restoring them to liberty and liberating the bondsmen from further responsibility.

In referring to the Keslj acquittal and also to the difficulty in obtaining a conviction in a gambling case, the ruling of Judge Averill was as follows:

The motion is based largely on the failure of the jury to convict in the case of the State of Nevada vs. Mike Keslj, recently tried, where, if anything, the evidence was stronger probably than it would be in these cases, and the evidence intended to corroborate the players who would testify for the state, very much the same.

There are three reasons why convictions in gambling cases are difficult. Two of these are removable, while the third grows out of our jury system, and is probably not removable now, but may gradually become so.

The first of these reasons is the absurd and antiquated rule that no person can be convicted on the testimony of an accomplice alone. The

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NEVADA TRACTS OF LAND THAT CONTAIN POTASH DEPOSITS ARE WITHDRAWN BY THE GOVERNMENT

The president has recently approved the withdrawal of three tracts of land of the desert-basin type in California and Nevada that are believed, as the result of investigations by the United States geological survey, to contain valuable deposits of potassium salts and brines. The aggregate area thus withdrawn is 133,829 acres. The first of these withdrawals covered Columbus Marsh, Nevada, and was approved on January 16, 1913. The second included the famous Seales lake, Cal., and was approved on February 21, 1913. The third included lands in the Panamint valley, Cal., the acreage affected being 24,567 acres. Seales lake is the last remaining pocket of a great ancient lake, which has almost dried up, thus concentrating a vast amount of saline minerals. Millions of tons of salt, soda and borax fill the bottom of the lake, and the deposits of soda and borax have been worked, but the development of the potash in the lake deposits had not been considered until recently.

The bitter disputes, amounting almost to warfare, that have resulted from the attempts to secure title to the potash-rich lands of Seales lake since the discovery of potash there have not only resulted in the postponement of the highly desirable experimental work on the deposits themselves but have shown the utter inadequacy of the present laws for the acquisition of lands of this type. The bed of Seales lake is blanketed with fillings, the majority of which have been made under the general placer law providing that 160 acres may be entered as an association placer, but there is danger that the legality of these filings may be destroyed by agreements, made prior

to patent, to combine a group of placers after patent is received, in order to obtain an area large enough to serve as a basis for a plant for extracting and refining the salts.

In short, the whole situation is clouded and perhaps legally irremediable under the present statutes. It is in recognition of this condition that the presidential withdrawals have been made. They are in aid of legislation of a type that will give security of tenure and certainty in operation to whoever may desire to undertake development of these or other deposits. The withdrawals are not destructive of any valid claims that may now exist. In fact, in order that any rights heretofore lawfully initiated may be preserved the withdrawal order itself has been made to include the following phrase: "This withdrawal is made subject to all rights lawfully initiated under any valid mining locations made upon such lands so long as such rights are maintained in full compliance with the law."

The constructive good faith of the government in the withdrawal of these lands in aid of legislation is indicated by the fact that concurrently with the withdrawal the interior department has prepared the draft of a law intended to relieve the present chaotic situation and provide a safe and sure legal basis for the development of the deposits not known and any that may be discovered in the future. This draft has been submitted to congress for its consideration, and its enactment will be urged in order that American potash deposits may be developed under conditions that are favorable to the producer and will at the same time protect the consumer.

Diamondfield Jack Davis Killed By Mexicans Once Nevada Bad Man Reported Shot As Rebel

JACK OWENS, FORMER SHERIFF NYE COUNTY REPORTED ENGAGED IN MINING IN AUSTRALIA

J. J. Owens, former sheriff of Nye county, who mysteriously disappeared from this city nearly three years ago, is reported to be in the interior of Australia, managing a mining property for an English syndicate, according to advices received today by the Bonanza. Owens dropped out of sight completely at the time of his disappearance, and not a single word has been heard from him. It was believed that he was dead, although rumors were in circulation that he left for Alaska, but when traced down the rumors were found to be without foundation.

According to the report received today, Owens is in the Koogartly or Koogartly mining district, about 800 miles in the interior of Australia, via Melbourne. He has a brother in that section and the brother recently informed a mining man named Kelly, who formerly resided in Tonopah and knew of the disappearance of the former sheriff, that Owens was about 150 miles distant managing another mining property. Kelly recently returned to the United States from Australia and is now in southern California.

Trace of Owens has been sought by various local fraternal organizations of which he was a member, and also by a surety company that was on the bond of the former sheriff. His accounts were found short, but private funds in banks nearly covered the county shortage. No reason was ever advanced for the disappearance of Owens. He was married but a few weeks before and had just returned from a honeymoon in California when he took the train one morning for some outside point. That was the last heard from him, until today.

MEXICAN FEDERALS ROUTED

MINING CAMP OF EL TIGRE IS CAPTURED AND TROOPS RETREAT TO BORDER

(By Associated Press)

DOUGLAS, Ariz., March 10.—The mining camp of El Tigre, 40 miles southeast of here, fell last night into the hands of 150 state troops. One hundred and fifty Huerta soldiers who were fleeing toward the border were overtaken by the constitutionalists who captured their arms, ammunition and artillery after a sharp skirmish. Nine hundred state troops are reported moving against Nogales, opposite the Arizona town of the same name.

HAD RESIDED IN THIS STATE FOR 44 YEARS

THOS. POWERS, NEVADA AND TONOPAH PIONEER, SUGGUMBS TO PNEUMONIA

Thomas Powers, a pioneer of Nevada, and who has made his home in Tonopah for the past ten years, died at his cabin above the Midway hotel yesterday morning. Death was due to an attack of pneumonia. The deceased was aged 67 years and was a native of Canada. He is survived by a brother, Mark Powers, who is employed at the Moore ranch near Round Mountain, and who was summoned Saturday but reached Tonopah shortly after his brother passed away.

Thomas Powers had lived in Nevada for 44 years, coming to this state in 1869 when the Comstock boom was at its height. For years he resided at Virginia City and Gold Hill, following his profession as a battery man and also engaging in mining. During the early days of Tonopah he joined in the stampede to this city and has since made his home here.

The remains were removed to the undertaking parlors of Wonacott & Cavanaugh and the funeral will be held from the undertaking parlors at 2 o'clock tomorrow afternoon. The surviving brother is a member of the I. O. O. F. and arrangements are now being made to have the interment in the Odd Fellows cemetery.

KING GEORGE OPENS BRITISH PARLIAMENT

(By Associated Press)

LONDON, March 10.—King George opened the third session of the present parliament today after a recess of only two days, the briefest on record. The speech from the throne was devoted chiefly to the Balkan war and expressing an earnest desire for the powers to hasten the constitution for peace.

While the king and queen were on the way to Westminster, five women with suffrage petitions attempted to approach them and were arrested and imprisoned.

HUERTA LOSING GROUND

GOVERNMENT TROOPS ARE DEFEATED IN BATTLE THAT RAGES FOR TWO DAYS

(By Associated Press)

DOUGLAS, Ariz., March 10.—After a battle lasting from Saturday morning until yesterday afternoon, 800 state troops held Nogogari today. Two hundred and fifty Huerta soldiers who are defending the two are retreating to Agua Prieta. If the latter town is taken the insurgent state troops can march westward along the border encountering only small garrisons at Nogales, Naco and other small towns.

Not over a thousand Huerta soldiers are in northern Sonora, while the state government within a few days has raised an army of 10,000. One hundred and seventy-five of the defeated federals have arrived at Agua Prieta, including Commander Lieutenant Lopez, who was shot in the neck and is in a critical condition. No Americans were injured, except J. S. Williams, who was shot through the leg.

JUDGE LANGAN ALLOWS SALARY OF FRANK WILDES

RECEIVER LONG DEFUNCT BANK ALLOWED \$9000 FOR THIRD YEARS SERVICE

Compensation of \$1000 per month for the first year of his services as receiver of the State Bank and Trust company, \$10,000 for the second year of his service and \$9000 for the third year was allowed Frank L. Wildes by Judge Langan in a judgment entered Saturday in the district court at Carson. Judge Langan states that he is unable to fix the salary of the receiver for the year 1912 because no claim has been made by Wildes for that year as yet.

Judge Langan's decision is a lengthy one and goes into the work of the receiver at length and in detail. He calls attention to the fact that although due and legal notice was given to all creditors of the defunct institution at the time of hearing on matters pertinent to the salary of the receiver, there were no objections filed to the claims of Wildes when the matter came up in the district court January 24 last. The court declares the handling of the affairs of the bank was wholly a matter of salvage and states that under the management of Wildes the assets of the company have been brought up to \$400,000 and a dividend of 20 per cent on all deposits has been paid.

THIRD ASSISTANT P. M. GENERAL IS SELECTED

WASHINGTON, March 10.—Former Governor A. M. Dockery of Missouri was chosen third assistant postmaster general today.

ACTION DISBAR DARROW

MATTER IS PLACED BEFORE LOS ANGELES BAR ASSOCIATION BY FREDERICKS

(By Associated Press)

LOS ANGELES, March 10.—It was announced today that at the next meeting of the Los Angeles Bar association the question of disbarring Clarence S. Darrow would be considered. The disbarment was suggested by District Attorney Fredericks, who declared Darrow made admissions justifying such action during the recent trial in regard to the conduct of the McNamara case.

OFFICERS FIND MINER IN HIDING IN A TUNNEL

FRANK DEXTER, CHARGED WITH GRAND LARCENY, IS ARRESTED YESTERDAY

While hiding in a tunnel back of the ball grounds, Frank Dexter, a former employee of the Belmont company, was found yesterday afternoon by Deputy Constables J. C. Peck and R. H. Dalzell, and placed under arrest on a charge of grand larceny. The warrant was issued several weeks ago, but the police were unable to locate Dexter, who was hiding out and remained in seclusion until his retreat was discovered yesterday. He was found about 200 feet from the mouth of the tunnel.

Dexter was arrested several weeks ago on a charge of high grading from the Belmont company, but his case was dismissed in the justice court. A second warrant was issued, calling for the arrest of Dexter and a miner named Botsfield, the latter being charged with receiving ore alleged to have been high graded by Dexter.

Botsfield left Tonopah and was located at Bishop, Cal. Chief of Police Evans left Saturday for Bishop to secure Botsfield and will return tonight with the prisoner. Both men will be arraigned in the justice court at an early date.

ALLEGED FIRE BUG MAKES CONFESSION

(By Associated Press)

CHICAGO, March 10.—Benjamin Pink, the alleged "firebug," made a confession today implicating 25 members of the alleged arson trust, according to Assistant District Attorney Johnson.

ARBITRATION BOARD TO SETTLE TROUBLE

(By Associated Press)

NEW YORK, March 10.—The arbitration of the differences between 51 eastern railroads and their 35,000 firemen, was begun today before the board chosen under the Erdman act.

CAPTURED WITH INSURRECTOS AND IS EXECUTED FOLLOWING CONVICTION BY COURT MARTIAL

Diamondfield Jack Davis, erstwhile bad man, who courted fame and publicity during the troublesome days at Goldfield when he appeared upon the streets of that camp loaded down with rifles, shotguns and pistols, is reported dead in Lower California, having joined a rebel movement against the Mexican government, and summarily executed after being captured by federals.

According to advices received by the Bonanza today from Cal Shaw, who is rusticated at San Diego, Davis went over the line into Lower California with the idea of showing the Mexicans how to conduct a government. He joined the rebels and got along fine for a few days. Then the once walking arsenal of Goldfield experienced bad luck. A detachment of regulars came along, grabbed Davis and his compatriots as prisoners after they failed to give a good accounting of their presence in that particular locality and for taking up arms against the government.

A trial was ordered for the little band and all were found guilty of treason. A convenient adobe wall was chosen and the prisoners were leaned up against it. Six regular soldiers were called upon and obtained the honor of sending Diamondfield Jack Davis and his fellow rebels into kingdom come.

Davis, before the Goldfield excitement, was under sentence of death in Idaho for the murder of a sheepman. Former Governor Sparks, who knew Davis, intervened in his behalf and through this influence the governor of Idaho pardoned the murderer. Davis then came to Nevada and posed as a regular bad man. He was always accompanied with a revolver and a rifle and during the labor dispute at Goldfield he appeared upon the streets of that city carrying a dozen or more weapons. Following the subsiding of the Goldfield boom Davis sought other fields. The report of his death is the first news to be received here in some time.

In the dispatch from Cal Shaw, the sender declared he had learned of Davis' death through Lou Heasley, a former Tonopah resident who is now living at Coronado.

PACKAGES CAN BE SENT BY MAIL C. O. D. METHOD

NEW PARCEL POST WILL MAKE COLLECTIONS AND RETURN MONEY TO SENDER

How to send a C. O. D. parcel post package is described in the latest copy of the daily bulletin of orders affecting the postal service. The bulletin is issued at Washington, D. C. The order referred to amends the parcel post regulations previously sent out.

Provided the price of an article does not exceed \$100, the sender may have it sent collect on delivery by the payment of a fee of 10 cents, which includes the insurance of the article up to a valuation of \$50.

Such packages may be sent only from a money order office to a money order office. The sender of such a package gets a receipt showing all vital data referring to it. A tag, with information corresponding to that on the receipt, is attached to the C. O. D. parcel as a guide for the clerk making delivery. When the package is delivered, the amount is collected and the tag, properly signed, is taken as a receipt by the delivery clerk. The tag is treated as an application for a money order and a money order is then issued, stamped C. O. D. to the sender of the parcel.

The postal department will not be considered responsible for errors or misunderstandings between the sender and receiver of packages, and patrons will not be allowed to examine C. O. D. packages before paying for them.

SUFFRAGETTES FIRE RAILROAD STATION

(By Associated Press)

LONDON, March 10.—Militant suffragettes today set fire to the Saunderton station of the Great Western railway, which burned to the ground. Two placards were found reading, "Burning to get votes."

HAS TROUBLE IN COLLECTING BULLION TAX

STATE TAX AGENT DECLARES IN ANNUAL REPORT THAT MINING IS ON INCREASE

The gross value of ore mined in Nevada in 1912 promises to exceed \$36,000,000, according to the annual report of Bullion Tax Agent Adamson, which has been received by the Bonanza. The report shows a healthy increase in profitable mining operations, and figures for the first three quarters indicate that the value of the ore mined during the entire year will exceed all records since the Comstock.

The tonnage and value throughout the state has increased. The increase in tonnage in the first three quarters of 1912 is more than 500,000 over 1911. Gross values for the same periods show an increase of more than \$2,000,000. It is expected the last quarter of 1912 will exceed the same period in 1911 in about the same ratio.

Considerable trouble in collecting the bullion tax is noted in the report. Several typical illustrations of attempts on the part of mine owners to evade the tax altogether or to defraud the collector of what was justly due the state are noted. In one instance, according to the report, the agent found a stamp mill in operation where he was not aware one existed. He found it was working at a good profit without the knowledge of even the county assessor, and promptly took up the matter of the collection of the tax.

Figures in the report show that \$222,981.25 was collected from the entire state for licenses of all sorts.

ANOTHER STRIKE IS DECLARED IN NEW YORK

(By Associated Press)

NEW YORK, March 10.—Ten thousand members of the Children's and Misses' Dressmakers' union went on strike today, demanding shorter hours, better pay and the abolition of tenement house work.

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NOT every boy or girl has the opportunity or money to go to college—yet the desire for knowledge is ever increasing.

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